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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/705,548

11/10/2003

Alan J. Lang

27569

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33357 7590 08/22/2007
ADVANCED MEDICAL OPTICS, INC.
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EXAMINER

IZQUIERDO, DAVID A

ART UNIT

PAPER NUMBER

3738

MAIL DATE

DELIVERY MODE

08/22/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/705,548

Applicant(s)

LANG ET AL.

Examiner

David A. Izquierdo

Art Unit

3738

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2, 11, 13-17, 22-24 and 33-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2 is/are allowed.
- 6) ☒ Claim(s) 11, 13-17, 22 and 33-45 is/are rejected.
- 7) ☐ Claim(s) 23 and 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3738

DETAILED ACTION

Allowable Subject Matter

1. The indicated allowability of claims 11, 13-17, 22 and 33-45 is withdrawn in view of Examiner's reconsideration of the prior art reference Glick et al. ("Glick") (USPN 7,018,409).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 11, 13-17, 22 and 33-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Glick et al (U.S. Patent Number 7,018,409).
4. Glick et al. discloses an intraocular lens (IOL) comprising an inner zone having a first optical power and an intermediate zone with a second optical power and a third zone having a power different from the second zone. The IOL as disclosed by Glick et al. progressively varies power from the center to the periphery thereby creating essentially infinite amounts of zones. Furthermore, Glick et al. discloses a range of 0 diopters at the optical axis to 1.5 diopters at the periphery allowing two separate zone to be defined with a difference in magnitude of 0.65 diopters. (col. 5, lines 5-8) Finally, Glick et al. discloses an IOL comprising a spherical portion at the center of the lens with an aspheric portion at the periphery (col. 2, lines 63-67; col. 3, line

1) and an IOL which compensates for shifts in IOL position due to postoperative changes (col. 4, lines 47-48).

5. Since Glick provides anticipating structure and the corrective properties of the claimed invention are derived from the intrinsic characteristics of the claimed lens the Glick reference would inherently provide the same corrective properties under similar circumstances.

Glick further provides a corrective optic, the purpose of a corrective optic being to provide better visual acuity to the patient. Enhanced visual acuity is provided by focusing the light coming through the eye on the retina, a fact well known in any of the optical arts. Therefore Glick fully anticipates Applicant's limitation of "the plurality of zones all disposed such that light entering the entire optic from a distant point source is focused to substantially a single point" since the lens is a corrective device.

6. Glick also discloses an optic which comprises haptics (24) surrounding the optic (Col. 4, lines 49-61) and a lens which further decrease in refractive power from the optical axis to the periphery (Col. 4, lines 19-26) as claimed in claims 33, 34 and 40. Furthermore, since Glick discloses progressive refractive powers any number of zones can be defined within the lens, as stated supra.

Allowable Subject Matter

7. Claim 2 is allowable over the prior art of record.

8. Claims 23 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David A. Izquierdo whose telephone number is 571-272-1943. The examiner can normally be reached on Monday through Friday from 8:00 am until 4:30 pm.
10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine McDermott can be reached on 571-272-4754. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

David A. Izquierdo



Patent Examiner



ANH TUAN T. NGUYEN
SUPERVISORY PATENT EXAMINER

8/20/07